

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:17-cv-03747-CBM-JEM**

Jason Leopold et al v. Department of Justice Office of the
Attorney General et al
Assigned to: Judge Consuelo B. Marshall
Referred to: Magistrate Judge John E. McDermott
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Jason Leopold

represented by **Matthew V Topic**
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Plaintiff

Buzzfeed Inc.

represented by **Matthew V Topic**
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Nabiha Syed
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Rachel Steinback
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V.

Defendant

**Department of Justice Office of the
Attorney General**

represented by **Amy Powell**
US Attorney's Office

Civil Division – US Department of Justice
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ATTORNEY TO BE NOTICED

Defendant

**Department of Justice Office of the
 Deputy Attorney General**

represented by **Amy Powell**
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ATTORNEY TO BE NOTICED

Defendant

**Department of Justice Office of Legal
 Counsel**

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Defendant

Federal Bureau of Investigation

represented by **Amy Powell**
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Defendant

Department of Justice Civil Division

represented by **Amy Powell**
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ATTORNEY TO BE NOTICED

Defendant

**Department of Justice National
 Security Division**

represented by **Amy Powell**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Central Intelligence Agency

represented by **Amy Powell**
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ATTORNEY TO BE NOTICED

Defendant

Department of Homeland Security

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Defendant

National Security Agency

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Defendant

**Office of the Director of National
 Intelligence**

represented by **Amy Powell**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2017	<u>1</u>	COMPLAINT Receipt No: 0973–19872750 – Fee: \$400, filed by Plaintiffs Buzzfeed Inc., Jason Leopold. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u>

		Exhibit O, # <u>16</u> Exhibit P) (Attorney Rachel Steinback added to party Buzzfeed Inc.(pty:pla), Attorney Rachel Steinback added to party Jason Leopold(pty:pla))(Steinback, Rachel) (Entered: 05/18/2017)
05/18/2017	<u>2</u>	CIVIL COVER SHEET filed by Plaintiffs Buzzfeed Inc., Jason Leopold. (Steinback, Rachel) (Entered: 05/18/2017)
05/18/2017	<u>3</u>	NOTICE of Interested Parties filed by Plaintiffs All Plaintiffs, identifying Jason Leopold, Buzzfeed Inc., National Broadcasting Company. (Steinback, Rachel) (Entered: 05/18/2017)
05/18/2017	<u>4</u>	NOTICE OF ASSIGNMENT to District Judge Consuelo B. Marshall and Magistrate Judge John E. McDermott. (esa) (Entered: 05/18/2017)
05/18/2017	<u>5</u>	APPLICATION of Non-Resident Attorney Matthew V. Topic to Appear Pro Hac Vice on behalf of Plaintiffs Buzzfeed Inc., Jason Leopold (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973–19877460) filed by Plaintiffs Buzzfeed Inc., Jason Leopold. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Letter of Good Standing) (Steinback, Rachel) (Entered: 05/18/2017)
05/18/2017	<u>6</u>	APPLICATION of Non-Resident Attorney Nabiha B. Syed to Appear Pro Hac Vice on behalf of Plaintiffs Buzzfeed Inc., Jason Leopold (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973–19877936) filed by Plaintiffs Buzzfeed Inc., Jason Leopold. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Letter of Good Standing) (Steinback, Rachel) (Entered: 05/18/2017)
05/19/2017	<u>7</u>	STANDING ORDER. READ THIS ORDER CAREFULLY, IT CONTROLS THIS CASE AND MAY DIFFER IN SOME RESPECTS FROM THE LOCAL RULES. This action has been assigned to the calendar of Honorable Consuelo B Marshall. Both the Court and the attorneys bear the responsibility for the progress of litigation in this Court. To secure the just, speedy, and inexpensive determination of every action, all counsel are ordered to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California. Fed.R.Civ.P.1. NON COMPLIANCE MAY LEAD TO THE IMPOSITION OF SANCTIONS AND INCLUDING THE STRIKING OF PLEADINGS AND ENTRY OF JUDGMENT OR DISMISSAL OF THE ACTION. (shb) (Entered: 05/19/2017)
05/22/2017	<u>8</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening),, <u>1</u> filed by Plaintiffs Buzzfeed Inc., Jason Leopold. (Attachments: # <u>1</u> Summons Requested for Central Intelligence Agency, # <u>2</u> Summons Requested for Department of Justice Office of Deputy Attorney General, # <u>3</u> Summons Requested for Department of Homeland Security, # <u>4</u> Summons Requested for Department of Justice Civil Division, # <u>5</u> Summons Requested for Federal Bureau of Investigation, # <u>6</u> Summons Requested for National Security Agency, # <u>7</u> Summons Requested for Department of Justice National Security Division, # <u>8</u> Summons Requested for Department of Justice Office of Legal Counsel, # <u>9</u> Summons Requested for Office of Director of National Intelligence)(Steinback, Rachel) (Entered: 05/22/2017)
06/05/2017	<u>9</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Central Intelligence Agency. (shb) (Entered: 06/05/2017)
06/05/2017	<u>10</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Department of Homeland Security. (shb) (Entered: 06/05/2017)
06/05/2017	<u>11</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Department of Justice Civil Division. (shb) (Entered: 06/05/2017)
06/05/2017	<u>12</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Federal Bureau of Investigation. (shb) (Entered: 06/05/2017)
06/05/2017	<u>13</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant National Security Agency. (shb) (Entered: 06/05/2017)
06/05/2017	<u>14</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Department of Justice National Security Division. (shb) (Entered: 06/05/2017)

06/05/2017	<u>15</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Department of Justice Office of Legal Counsel. (shb) (Entered: 06/05/2017)
06/05/2017	<u>16</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Office of the Director of National Intelligence. (shb) (Entered: 06/05/2017)
06/05/2017	<u>17</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Department of Justice Office of the Attorney General. (shb) (Entered: 06/05/2017)
06/05/2017	<u>18</u>	30 DAY Summons Issued re Complaint (Attorney Civil Case Opening),, <u>1</u> as to Defendant Department of Justice Office of the Deputy Attorney General. (shb) (Entered: 06/05/2017)
06/23/2017	<u>19</u>	ORDER by Judge Consuelo B. Marshall: granting <u>5</u> Non-Resident Attorney Matthew V Topic APPLICATION to Appear Pro Hac Vice on behalf of Plaintiffs, Jason Leopold, Buzzfeed Inc, designating Rachel Steinback as local counsel. (shb) Modified on 6/23/2017 (shb). (Entered: 06/23/2017)
06/23/2017	<u>20</u>	ORDER by Judge Consuelo B. Marshall: granting <u>6</u> Non-Resident Attorney Nabiha B. Syed APPLICATION to Appear Pro Hac Vice on behalf of Plaintiffs, Jason Leopold and Buzzfeed Inc, designating Rachel Steinback as local counsel. (shb) (Entered: 06/23/2017)
06/27/2017	<u>21</u>	NOTICE of Appearance filed by attorney Amy Powell on behalf of Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence (Attorney Amy Powell added to party Central Intelligence Agency(pty:dft), Attorney Amy Powell added to party Department of Homeland Security(pty:dft), Attorney Amy Powell added to party Department of Justice Civil Division(pty:dft), Attorney Amy Powell added to party Department of Justice National Security Division(pty:dft), Attorney Amy Powell added to party Department of Justice Office of Legal Counsel(pty:dft), Attorney Amy Powell added to party Department of Justice Office of the Attorney General(pty:dft), Attorney Amy Powell added to party Department of Justice Office of the Deputy Attorney General(pty:dft), Attorney Amy Powell added to party Federal Bureau of Investigation(pty:dft), Attorney Amy Powell added to party National Security Agency(pty:dft), Attorney Amy Powell added to party Office of the Director of National Intelligence(pty:dft))(Powell, Amy) (Entered: 06/27/2017)
07/05/2017	<u>22</u>	STIPULATION Extending Time to Answer the complaint as to All Defendants, filed by Defendants Federal Bureau of Investigation, National Security Agency, Department of Justice Office of the Attorney General, Department of Justice Civil Division, Central Intelligence Agency, Office of the Director of National Intelligence, Department of Justice National Security Division, Department of Justice Office of the Deputy Attorney General, Department of Homeland Security, Department of Justice Office of Legal Counsel.(Powell, Amy) (Entered: 07/05/2017)
07/20/2017	<u>23</u>	ANSWER to Complaint (Attorney Civil Case Opening),, <u>1</u> filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence.(Powell, Amy) (Entered: 07/20/2017)
07/21/2017	<u>24</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Answer to Complaint (Attorney Civil Case Opening),, <u>23</u> . The following error(s) was found: Case number is incorrect or missing.: The correct case number is: 2:17-cv-03747 CBM (JEMx).. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 07/21/2017)

04/13/2018	<u>25</u>	MINUTE ORDER IN CHAMBERS–ORDER SETTING SCHEDULING CONFERENCE by Judge Consuelo B. Marshall: On the Court's own motion, this case is set for a Scheduling Conference on June 12, 2018 at 9:30 A. M. pursuant to FRCP 16(b). Counsel are reminded of their obligations to disclose information and confer on a discovery plan not later than 21 days prior to the Scheduling Conference. Counsel shall file a Rule 26(f) discovery plan no later than 7 days prior to the Scheduling Conference. The Rule 26(f) discovery plan shall contain the following: (see document for further details) (bm) (Entered: 04/13/2018)
06/01/2018	<u>26</u>	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial N/A, filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence.. (Powell, Amy) (Entered: 06/01/2018)
06/01/2018	<u>27</u>	Joint STIPULATION to Vacate Scheduling Conference <i>and Set a Date for a Status Report</i> filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence. (Attachments: # <u>1</u> Proposed Order)(Powell, Amy) (Entered: 06/01/2018)
06/04/2018	<u>28</u>	ORDER VACATING SCHEDULING CONFERENCE CURRENTLY SET FOR JUNE 12, 2018 <u>27</u> by Judge Consuelo B. Marshall, re Stipulation to Vacate <u>27</u> : NOTE CHANGES MADE BY THE COURT. IT IS HEREBY ORDERED that the scheduling conference set for June 12, 2018 is hereby VACATED; and it is further ORDERED that the parties shall submit a status report on or before July 9, 2018, proposing next steps. (bm) (Entered: 06/04/2018)
07/09/2018	<u>29</u>	STATUS REPORT <i>jointly filed</i> filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence. (Powell, Amy) (Entered: 07/09/2018)
07/24/2018	30	TEXT ONLY ENTRY ORDER by Judge Consuelo B. Marshall: The Court ORDERS the parties to submit a Joint Status Report no later than September 7, 2018. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vv) (Entered: 07/24/2018)
09/07/2018	<u>31</u>	STATUS REPORT , <i>filed jointly</i> filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence. (Powell, Amy) (Entered: 09/07/2018)
09/10/2018	32	TEXT ONLY ENTRY ORDER by Judge Consuelo B. Marshall: The Court has reviewed the Joint Status Report <u>31</u> and ORDERS the parties to file the next Joint Status Report no later than February 28, 2019. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (cw) TEXT ONLY ENTRY (Entered: 09/10/2018)
02/28/2019	<u>33</u>	STATUS REPORT <i>jointly filed</i> filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence. (Powell, Amy) (Entered: 02/28/2019)

03/14/2019	<u>34</u>	MINUTE ORDER (IN CHAMBERS) by Judge Consuelo B. Marshall: The Court reviewed the parties joint status report and approves the dates. Therefore, the following schedule shall govern: Schedule for Defendants motion for summary judgment April 26, 2019: Defendants motion for summary judgment due May 24, 2019: Plaintiffs opposition to the motion for summary judgment due. (SEE MINUTES FOR FURTHER DETAILS) (yl) (Entered: 03/15/2019)
04/26/2019	<u>35</u>	NOTICE OF MOTION AND MOTION for Summary Judgment as to all claims filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence. Motion set for hearing on 8/13/2019 at 10:00 AM before Judge Consuelo B. Marshall. (Attachments: # <u>1</u> Declaration of Vanessa R. Brinkmann (DOJ OIP) with exhibits, # <u>2</u> Declaration of Hirsh D. Kravitz (DOJ Civil) with exhibits, # <u>3</u> Declaration of David M. Hardy (FBI) with exhibits, # <u>4</u> Declaration of Brendan Henry (DHS I&A) with exhibits, # <u>5</u> Declaration of Antoinette B. Shiner (CIA) with exhibits, # <u>6</u> Declaration of Steven E. Thompson (NSA) with exhibits, # <u>7</u> Declaration of Patricia Gaviria (ODNI), # <u>8</u> Declaration of Amy E. Powell (counsel), # <u>9</u> Statement of Uncontroverted Facts and Conclusions of Law) (Powell, Amy) (Entered: 04/26/2019)
05/21/2019	<u>36</u>	NOTICE OF MOTION AND MOTION for Extension of Time to File Plaintiffs' opposition to motion for summary judgment and cross-motion for summary judgment filed by Plaintiffs Buzzfeed Inc., Jason Leopold. (Attachments: # <u>1</u> Proposed Order Proposed Order) (Topic, Matthew) (Entered: 05/21/2019)
05/22/2019	<u>37</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: NOTICE OF MOTION AND MOTION for Extension of Time to File Plaintiffs' opposition to motion for summary judgment and cross-motion for summary judgment <u>36</u> . The following error(s) was/were found: Case number is incorrect or missing. Other error(s) with document(s): The case number is missing the judge initials. The Complete case number is 2:17-cv-03747-CBM (JEMx). In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (shb) (Entered: 05/22/2019)
05/23/2019	<u>38</u>	ORDER by Judge Consuelo B. Marshall: Granting <u>36</u> MOTION for Extension of Time to File Briefing Schedule. IT IS HEREBY ORDERED that the briefing schedule regarding the parties' cross-motions for summary judgment is amended as follows: May 31, 2019: Plaintiff's opposition to motion for summary judgment and cross-motion for summary judgment due. June 25, 2019: Defendant's reply in support of motion for summary judgment and opposition to cross-motion for summary judgment due. July 16, 2019: Plaintiff's reply in support of cross-motion for summary judgment due. (shb) (Entered: 05/24/2019)
05/31/2019	<u>39</u>	OPPOSITION to NOTICE OF MOTION AND MOTION for Summary Judgment as to all claims <u>35</u> <i>Plaintiffs' Combined Memorandum in Opposition to Defendants' Motion for Summary Judgment and in Support of Plaintiffs' Cross-Motion for Summary Judgment</i> filed by Plaintiffs Buzzfeed Inc., Jason Leopold. (Attachments: # <u>1</u> Exhibit Plaintiffs' Statement of Genuine Disputes of Fact, # <u>2</u> Exhibit Plaintiffs' Statement of Undisputed Facts and Conclusions of Law, # <u>3</u> Proposed Order Proposed Order)(Topic, Matthew) (Entered: 05/31/2019)
06/25/2019	<u>40</u>	REPLY NOTICE OF MOTION AND MOTION for Summary Judgment as to all claims <u>35</u> <i>COMBINED Reply and Opposition to Plaintiffs' Cross-Motion (ECF 39)</i> filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence. (Attachments: # <u>1</u> Declaration of David M. Hardy (2nd) and Supplemental Index, # <u>2</u> Defendants' Statement of Disputes of Fact in Response to ECF No. 39-2)(Powell, Amy) (Entered: 06/25/2019)

07/03/2019	<u>41</u>	NOTICE of Change of address by Amy Powell attorney for Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence. Changing attorneys address to Amy Powell, Civil Division, Department of Justice c/o U.S. Attorneys Office 125 Fayetteville St., Suite 2100 Raleigh, NC 2760. Filed by Defendants Central Intelligence Agency, Department of Homeland Security, Department of Justice Civil Division, Department of Justice National Security Division, Department of Justice Office of Legal Counsel, Department of Justice Office of the Attorney General, Department of Justice Office of the Deputy Attorney General, Federal Bureau of Investigation, National Security Agency, Office of the Director of National Intelligence. (Powell, Amy) (Entered: 07/03/2019)
07/16/2019	<u>42</u>	REPLY NOTICE OF MOTION AND MOTION for Summary Judgment as to all claims <u>35</u> <i>Plaintiffs' Combined Reply Memorandum in Opposition to Defendants' Motion for Summary Judgment and in Support of Plaintiffs' Cross-Motion for Summary Judgment</i> filed by Plaintiffs BuzzFeed Inc., Jason Leopold. (Topic, Matthew) (Entered: 07/16/2019)
08/12/2019	<u>43</u>	IN CHAMBERS-ORDER AND NOTICE TO ALL PARTIES by Judge Consuelo B. Marshall: The Court finds that Defendants Motion for summary judgment <u>35</u> , currently scheduled for hearing on August 13, 2019, is appropriate for decision without oral argument. Accordingly, this motion is taken UNDER SUBMISSION and the hearing is vacated. No appearances are necessary on August 13, 2019. A written order will issue. (shb) (Entered: 08/12/2019)